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In re application of :
Mark T. Jeffrey, et al :
Application No. 08/400,140 : DECISION GRANTING
Filed: March 6, 1995 : PETITION
For: STM SWITCHING ARRANGEMENT :

This is a decision on the petition filed April 17, 1995, requesting that the above-identified application be treated as a proper continuation application under 37 CFR 1.62 and accorded a filing date of March 6, 1995.

On April 6, 1995, Application Branch mailed a Notice of Improper FWC Filing stating that the application papers deposited March 6, 1995, were not in compliance with 37 CFR 1.62 since the filing included a new specification or copies of a specification from the prior application.

In response, on April 19, 1995, the present petition was filed wherein petitioners argue that the notice was mailed in error since a new specification or copy of a specification from the prior application was not filed. Petitioners explain that the specification that was objected to was a part of the preliminary amendment filed March 6, 1995. Accordingly, petitioners request that the application be accorded a filing date under 37 CFR 1.62 and that the petition fee be refunded.

A review of the record confirms that the "specification" was a part of the preliminary amendment filed on March 6, 1995. Therefore, the petition is granted.

The notice mailed April 6, 1995, is hereby vacated.

The application is being forwarded to the Office of Finance for crediting the \$130.00 petition fee to counsel's deposit account No. 11-1145.

Thereafter, the application will be returned to Application Branch for further processing as a continuation application under 37 CFR 1.62, with a filing date of March 6, 1995.

Sherry D. Brinkley

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